

Vinson & Elkins



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May 26, 2005

MAIL STOP MISSING PARTS

Commissioner for Patents
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May 26, 2005
Date

Carol Porter

Re: *U.S. Patent Application S.N. 10/771,620 entitled "MARKERS FOR DIAGNOSING AND TREATING BREAST AND OVARIAN CANCER" by Graff et al.*
Att. Dkt. No.: UNI919/4-8US; Confirmation No.: 9412

Sir:

Enclosed for filing in the above-referenced patent application is:

1. Response to 37 C.F.R. § 1.53(d) Notice;
2. Supplemental Amendment;
3. Statement as Required Under 37 C.F.R. § 1.82(f) and (g);
4. Sequence Listing (paper copy and computer readable copy); and
5. A return postcard to acknowledge receipt of these documents. Please date stamp and mail this postcard.

No fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct said fee from Vinson & Elkins L.L.P. Deposit Account No. 22-0365/UNI919/4-8US.

Respectfully submitted,


Michelle M. Fleming

Michelle Muller Fleming
Reg. No. 42,913

102039:5588

Enclosures



CERTIFICATE OF MAILING 37 C.F.R. 1.8	
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<u>May 26, 2005</u> Date	 Carol Porter

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jonathan M. Graff, et al.

Serial No.: 10/771,620

Filed: February 4, 2004

For: MARKERS FOR DIAGNOSING
AND TREATING BREAST AND
OVARIAN CANCER

Group Art Unit: 1616

Examiner: Unknown

Atty. Dkt. No: UNI919/4-8US

Confirmation No. 9412

RESPONSE TO 37 C.F.R. § 1.53(b) NOTICE

MAIL STOP MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) dated March 28, 2005 (the "Notice"), enclosed herewith for filing are the following:

- (a) Statement as Required Under 37 C.F.R. § 1.821(f) and (g);
- (b) Sequence (paper copy and computer readable form (diskette));
- (c) Supplemental Amendment;

(d) A copy of the Notice.

The Notice rejects the compact disc filed with the Supplemental Information Disclosure Statement file on July 16, 2004. A Notice to File Missing Parts is not the proper venue to reject an information disclosure statement nor is the rejection of an information disclosure statement grounds for abandonment. However, Applicants are nevertheless filing under separate cover a Supplement Information Disclosure Statement that does not contain a CD.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from or to Vinson & Elkins L.L.P. Deposit Account No. 22-0365/UNI919/4-8US.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Michelle Muller Fleming
Reg. No. 42,913
Attorney for Applicants

Vinson & Elkins L.L.P.
First City Tower
1001 Fannin, Suite 2300
Houston, Texas 77002-6760
512.542.8441

Date: May 26, 2005

564534_1.DOC

bcc: Tracey Davies (w/encls.) [Firm]
Marya Breig (w/encls.) [Firm]



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/771,620	02/04/2004	Jonathan M. Graff	UNI919/4-8US

M. Michelle Muller
 VINSON & ELKINS LLP
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 1001 Fannin
 Houston, TX 77002-6760



CONFIRMATION NO. 9412

FORMALITIES LETTER



OC000000015576070

Date Mailed: 03/28/2005

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

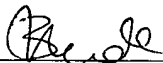
- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.
- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that only a single copy of each disc was provided. A duplicate copy of each compact disc must be provided on Compact Disc-Read Only Memory (CD-ROM) or a Compact Disc-Recordable (CD-R) media. Any replacement compact discs submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set.
- This application contains compact disc(s) as part of the originally filed subject matter or as an amendment, however the information contained on the compact disc(s) is not one of the types of information that may be submitted on compact disc(s). (see 37 CFR 1.52(e)).
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

To Download Patent Software, visit <http://www.uspto.gov/web/patents/software.htm>
 For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
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Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



CERTIFICATE OF MAILING
37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, Alexandria, VA 22313-1450, on the date below:

May 26, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Group Art Unit: 1616

Examiner: Unknown

Atty. Dkt. No.: UNI919/4-8US

Confirmation No.: 9412

SUPPLEMENTAL AMENDMENT

MAIL STOP MISSING PARTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This paper is submitted as a Supplemental Amendment to the patent application identified above. It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Vinson & Elkins L.L.P. Deposit Account No. 22-0365/UNI919/4-8US.

Please replace the paper copy of the "Sequence Listing" filed on July 13, 2004, in the captioned application with the attached paper copy of the "Sequence Listing" beginning as a new page after the "Abstract of the Disclosure."

The present amendment has been undertaken to correct errors in the sequence listing. It is applicants' belief that no new matter is added by this amendment.

Respectfully submitted,

Michelle M. Fleming
Michelle Muller Fleming
Reg. No. 42,913
Attorney for Applicant

Vinson & Elkins L.L.P.
First City Tower
1001 Fannin, Suite 2300
Houston, Texas 77002-6760
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